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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,444	08/23/2001	Gary Greenfield	SRI1P037	2212

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EXAMINER
GOLBA, TARA M

ART UNIT	PAPER NUMBER
3644	

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/938,444	GREENFIELD ET AL.	
	Examiner	Art Unit	
	Tara M. Golba	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 5-7, 11-15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,437,382 to Yerushalmi (previously cited).

In reference to claim 1, Yerushalmi discloses a container for an explosive device including: an outer containment vessel (figure 1, element 2) adapted to rest on one end or one side, the outer vessel including an outer access port (elements 4, 6); an inner containment vessel (element 18) positioned completely within the outer vessel, the inner containment vessel including an inner access port (element 18'); a means for suspending the explosive device in the inner containment vessel (netting 32); and a means for rotating one vessel with respect to the other (column 2, lines 57-64); wherein a vessel rotates from a position where the access ports are aligned (figure 3) to a position where the inner access port is rotated away from the outer port (figure 1) to mitigate effects of an explosion (column 4, lines 13-22). Yerushalmi does not specify rotation of the inner access port to a position 90-180 degrees away from the outer access port, but it would be obvious to select this range, since it has been held that where general

conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Note that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It is not a limitation in any patentable sense.

In reference to claim 2, Yerushalmi discloses contoured inner and outer surfaces (figure 1, where the rounded contours allow rotation), with a small clearance therebetween.

In reference to claim 5, Yerushalmi does not disclose a central portion and a removable end dome, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a removable end dome, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

In reference to claim 6, Yerushalmi discloses a cover (element 20) for an outer access port (where cover 20 engages port 4 upon an explosion).

In reference to claim 7, it would have been obvious to select a flame retardant cover material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

In reference to claim 11, Yerushalmi discloses a spherical outer vessel (figure 1).

In reference to claim 12, it would have been an obvious matter of design choice to design a cylindrical outer vessel, since applicant has not disclosed that the shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with spherical and cylindrical outer vessel shapes.

In reference to claim 13, Yerushalmi discloses a lever arm (element 16) attached to the outer containment vessel for rotation rather than the inner containment vessel. However, it would have been obvious to position the lever arm on the inner containment vessel instead of the outer containment vessel, since the same rotation of the vessels with respect to each other could be achieved, and since it has been held that rearranging parts involves only routine skill in the art.

In reference to claims 14 and 15, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include remotely activated rotating means or rotating means comprising a motorized mechanical drive system, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art.

In reference to claim 18, Yerushalmi teaches the claimed method. See discussion of claim 1 above.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yerushalmi in view of U.S. Patent No. 4,432,285 to Boyars et al (previously cited).

In reference to claims 3 and 4, Yerushalmi does not teach the claimed flame retardant filler material in the clearance.

Boyars et al teaches filler material in a bomb blast attenuator for the purpose of attenuating shock waves (column 3, lines 1-5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include filler material, as taught by Boyars, in the clearance between the vessels disclosed by Yerushalmi, so as to attenuate shock waves. It would have been obvious to select a flame retardant filler material,

since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yerushalmi in view of U.S. Patent No. 5,684,264 to Cassells et al (previously cited).

In reference to claims 8-10, Yerushalmi does not teach the claimed flame retardant inner lining material for supporting the explosive device.

Cassells teaches an inner lining material that supports an explosive device, absorbs kinetic energy, and prevents ricochet (figures 2 and 4; column 5, lines 5-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an inner lining, as taught by Cassells, for the inner containment vessel disclosed by Yerushalmi, so as to absorb kinetic energy and thereby shield the containment vessels from the explosive effects. . It would have been obvious to select a flame retardant lining, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

6. Claims 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yerushalmi in view of U.S. Patent No. 3,820,435 to Rogers et al (previously cited).

In reference to claim 16, Yerushalmi does not disclose the claimed sealing means.

Rogers teaches a sealing means (plug 7) between inner and outer vessels (figure 4: elements 1 and 24) so that toxic agents are contained within the unit (column 4, lines 5-6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include sealing means, as taught by Rogers, for the device disclosed by Yerushalmi, so as to minimize the spread of toxic contaminants.

In reference to claim 17, Rogers teaches an access valve permitting sampling post-detonation contents of a container (column 7, lines 27-35). Rogers teaches that the access valve allows monitoring of post-detonation gases in order to determine whether or not the container has vented (column 7, lines 27-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an access valve, as taught by Rogers, in the container disclosed by Yerushalmi, to allow sampling and monitoring of post-detonation contents of the container.

In reference to claim 19, Yerushalmi, as modified in view of Rogers, discloses the claimed invention. See discussion of claims 1 and 17 above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara M. Golba whose telephone number is (703) 305-0266. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached at (703) 306-4159. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Charles T. Jordan

CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
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tmg
June 1, 2003